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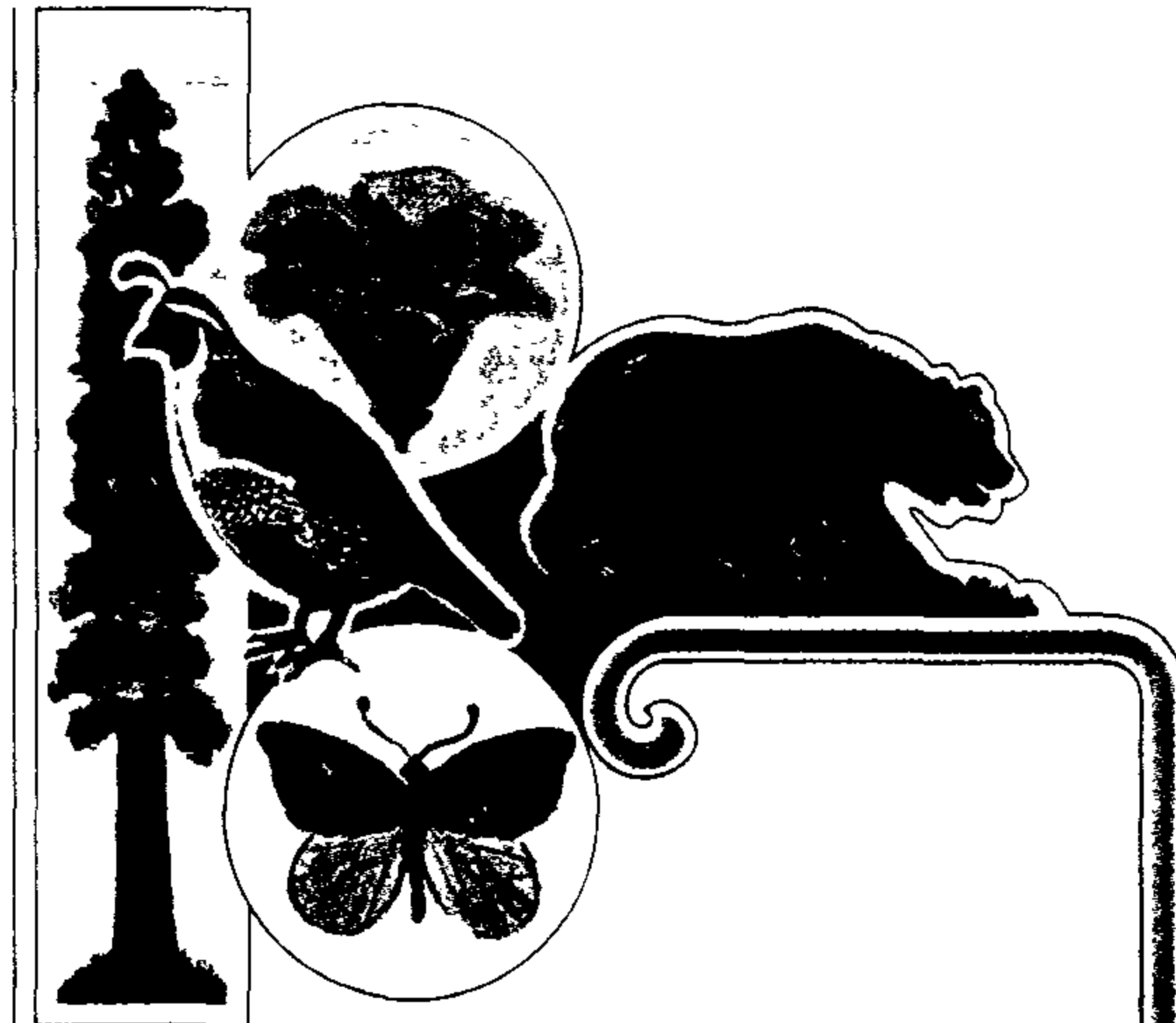
Illegal Aliens. Ineligibility For Public Services. Verification And Reporting. California Initiative 623 (1994).
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State of California

OFFICE OF THE SECRETARY OF STATE

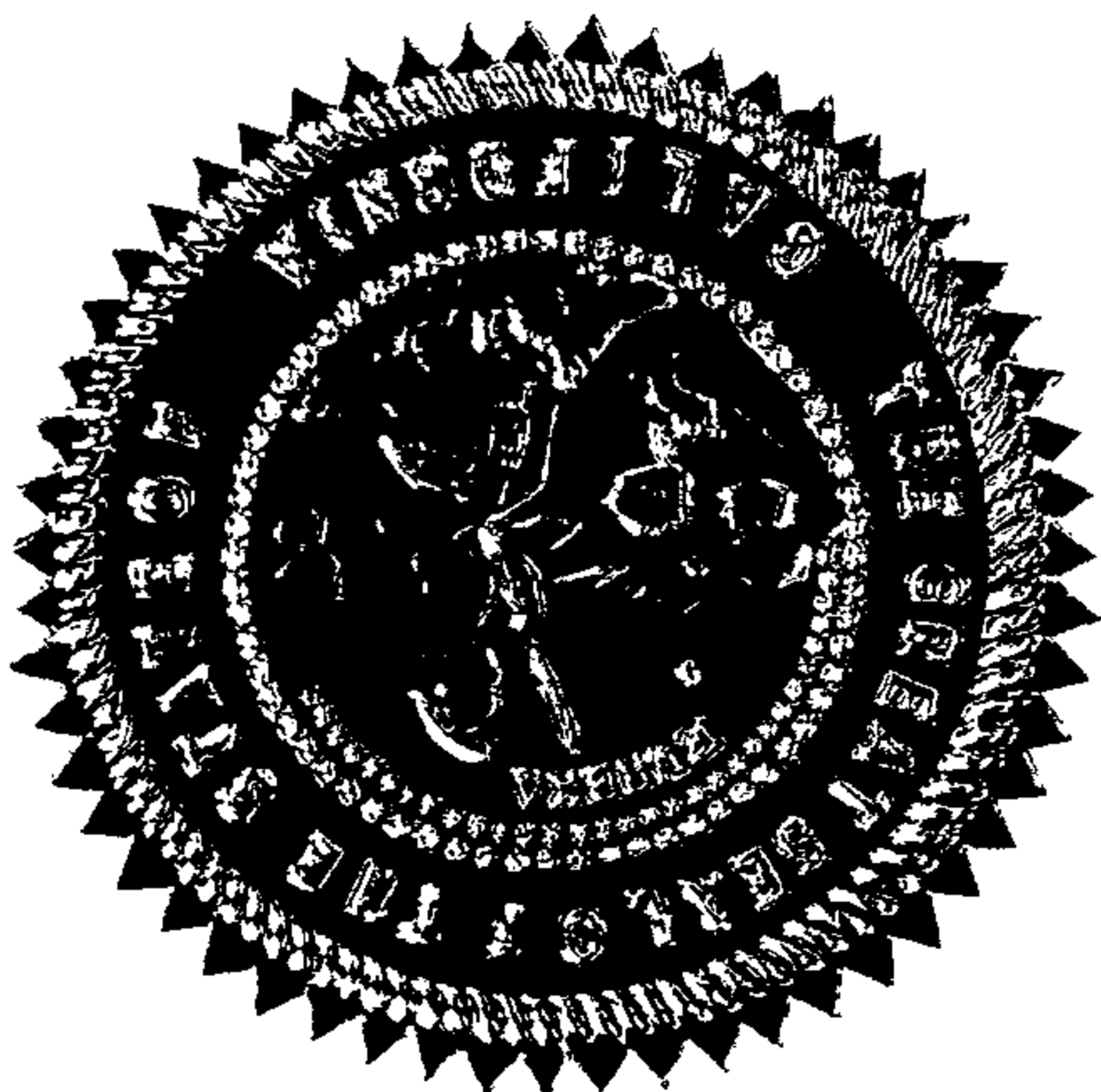
June 23, 1994



TO: All County Clerks/Registrars of Voters (94161)

Pursuant to Section 3523 of the Elections Code, I hereby certify that on June 23, 1994 the certificates received from the County Clerks or Registrars of Voters by the Secretary of State established that the Initiative Statute, **ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING.** has been signed by the requisite number of qualified electors needed to declare the petition sufficient. The **ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING. INITIATIVE STATUTE** is, therefore, qualified for the November 8, 1994 General Election.

ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING. INITIATIVE STATUTE. Makes illegal aliens ineligible for public social services, public health care services (unless emergency under federal law), and attendance at public schools (elementary, secondary, and post-secondary). Requires various state and local agencies to report persons who are apparent illegal aliens to the California Attorney General and the U.S. Immigration and Naturalization Service (INS). Mandates California Attorney General to transmit reports to INS and maintain records of such reports. Makes it a felony to manufacture, distribute, sell or use false citizenship or residence documents. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Annual savings at the state level potentially in excess of \$100 million from withholding health and social services to undocumented persons. Annual savings at the local level potentially exceeding \$200 million primarily from withholding medical care from undocumented persons. School districts would likely incur additional cost of tens of millions of dollars in the first two years of implementation and in excess of \$10 million annually thereafter, to verify the legal status of students, parents and guardians. Savings to education, if any, are unknown.



IN WITNESS WHEREOF, I hereunto
set my hand and affix the Great Seal of
the State of California this 23th day of
June, 1994.

Tony Miller

TONY MILLER
Acting Secretary of State



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

#623

January 10, 1994

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (94012)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING.
INITIATIVE STATUTE.**

Circulating and Filing Schedule

1. Minimum number of signatures required 384,974
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Monday, 01/10/94
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Monday, 01/10/94
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Wednesday, 06/08/94
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Monday, 06/20/94

(If the Proponent files the petition with the county on a date prior to 06/08/94, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

**ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING.
INITIATIVE STATUTE.**

January 10, 1994

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- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Wednesday, 06/29/94*
- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 08/11/94
- (If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 06/29/94, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).
- f. If the signature count is more than 423,472 or less than 365,726 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 365,726 and 423,472 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Sunday, 08/21/94*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 10/04/94
- (If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 08/21/94, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).
- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 10/08/94*

* Date varies based on receipt of county certification.

**ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING.
INITIATIVE STATUTE.**

January 10, 1994

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4. The Proponent of the above-named measure is:

Ronald Prince
Citizens for Legal Immigration Reform
P.O. Box 26288
Santa Ana, California 92799-6288
(714) 777-4653

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

**NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 8, 1994
GENERAL ELECTION:** This initiative must be certified for the ballot 131 days before the election (June 30, 1994). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 22, 1994. If a 100% check of signatures is necessary, it is advised that the petitions be filed by March 2, 1994.

Sincerely,



CATHY MITCHELL
INITIATIVE COORDINATOR

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

January 10, 1994

FILED
in the office of the Secretary of State
of the State of California

JAN 10 1994

MARCH FONG EU, Secretary of State
By CB Mitchell Deputy

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814

Re: Initiative Title and Summary
Subject: ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES.
VERIFICATION AND REPORTING. INITIATIVE STATUTE.
File No: SA 93 RF 0038

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

Kathleen F. DaRosa
KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: January 10, 1994
File No: SA93RF0038

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed initiative.

ILLEGAL ALIENS. INELIGIBILITY FOR PUBLIC SERVICES. VERIFICATION AND REPORTING. INITIATIVE STATUTE. Makes illegal aliens ineligible for public social services, public health care services (unless emergency under federal law), and attendance at public schools (elementary, secondary, and post-secondary).

Requires various state and local agencies to report persons who are apparent illegal aliens to the California Attorney General and the U.S. Immigration and Naturalization Service (INS). Mandates California Attorney General to transmit reports to INS and maintain records of such reports. Makes it a felony to manufacture, distribute, sell or use false citizenship or residence documents. Summary of estimate by Legislative

Analyst and Director of Finance of fiscal impact on state and local government:

Annual savings at the state level potentially in excess of \$100 million from withholding health and social services to undocumented persons. Annual savings at the local level potentially exceeding \$200 million primarily from withholding medical care from undocumented persons. School districts would likely incur additional costs of tens of millions of dollars in the first two years of implementation and in excess of \$10 million annually thereafter, to verify the legal status of students, parents and guardians.

Savings to education, if any, are unknown.

SA 93 RF 0038
Amdt. #3
(Amdt. #3 Received 1-7-94
NON-SUBSTANTIVE)

CITIZENS FOR
LEGAL IMMIGRATION REFORM

P.O. Box 26288, SANTA ANA, CA 92799-6288

RECEIVED
JAN 7 1994

January 6, 1994

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE


Ms. Kathy DaRosa
Office of the Attorney General
Initiative Coordinator
1515 "K" Street
Sacramento, CA 95814

Dear Kathy,

Enclosed herewith, please find a copy of Amendment #3, which consists of a complete draft of the initiative showing the corrections I referenced earlier today.

Once again, I cannot thank you enough for all of the help that you have given to us throughout this entire matter.

Best Regards,


Ronald Prince
13631 Carroll Way
Tustin, CA 92680
(714) 777-4653

This initiative is submitted to the people in accordance with the provisions of Article II of Section 8 of the Constitution.

This initiative measure adds sections to the Penal Code, the Welfare and Institutions Code, the Health and Safety Code, the Education Code, and the Government Code, therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

SECTION 1. Findings and Declaration.

The People of California find and declare as follows:

That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state.

That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state.

That they have a right to the protection of their government from any person or persons entering this country unlawfully.

Therefore, the People of California declare their intention to provide for cooperation between their agencies of state and local government with the federal government, and to establish a system of required notification by and between such agencies to prevent illegal aliens in the United States from receiving benefits or public services in the State of California.

SECTION 2. Manufacture, Distribution or Sale of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 113. is added to the Penal Code, to read:

Section 113. Any person who manufactures, distributes or sells false documents to conceal the true citizenship or resident alien status of another person is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of seventy-five thousand dollars (\$75,000).

SECTION 3. Use of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 114. is added to the Penal Code, to read:

Section 114. Any person who uses false documents to conceal his or her true citizenship or resident alien status is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of twenty-five thousand dollars (\$25,000).

SECTION 4. Law Enforcement Cooperation with INS.

Section 834b is added to the Penal Code, to read:

Section 834b. (a) Every law enforcement agency in California shall fully cooperate with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws.

(b) With respect to any such person who is arrested, and suspected of being present in the United States in violation of federal immigration laws, every law enforcement agency shall do the following:

(1). Attempt to verify the legal status of such person as a citizen of the United States, an alien lawfully admitted as a permanent resident, an alien lawfully admitted for a temporary period of time or as an alien who is present in the United States in violation of immigration laws. The verification process may include, but shall not be limited to, questioning the person regarding his or her date and place of birth, and entry into the United States, and demanding documentation to indicate his or her legal status.

(2). Notify the person of his or her apparent status as an alien who is present in the United States in violation of federal immigration laws and inform him or her that, apart from any criminal justice proceedings, he or she must either obtain legal status or leave the United States.

(3). Notify the Attorney General of California and the United States Immigration and Naturalization Service of the apparent illegal status and provide any additional information that may be requested by any other public entity.

(c) Any legislative, administrative, or other action by a city, county, or other legally authorized local governmental entity with jurisdictional boundaries, or by a law enforcement agency, to prevent or limit the cooperation required by subdivision (a) is expressly prohibited.

SECTION 5. Exclusion of Illegal Aliens from Public Social Services.

Section 10001.5. Is added to the Welfare and Institutions Code, to read:

Section 10001.5. (a) In order to carry out the intention of the People of California that only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of public social services and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted.

(b) A person shall not receive any public social services to which he or she may be otherwise entitled until the legal status of that person has been verified as one of the following:

- (1). A citizen of the United States.**
- (2). An alien lawfully admitted as a permanent resident.**
- (3). An alien lawfully admitted for a temporary period of time.**

(c) If any public entity in this state to whom a person has applied for public social services determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following procedures shall be followed by the public entity:

(1). The entity shall not provide the person with benefits or services.

(2). The entity shall, in writing, notify the person of his or her apparent illegal immigration status, and that the person must either obtain legal status or leave the United States.

(3). The entity shall also notify the State Director of Social Services, the Attorney General of California and the United States Immigration and Naturalization Service of the apparent illegal status, and shall provide any additional information that may be requested by any other public entity.

SECTION 6. Exclusion of Illegal Aliens from Publicly Funded Health Care.

Chapter 1.3 (commencing with Section 130) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

CHAPTER 1.3. PUBLICLY-FUNDED HEALTH CARE SERVICES

Section 130. (a) In order to carry out the intention of the People of California that, excepting emergency medical care as required by federal law, only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of publicly-funded health care, and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted.

(b) A person shall not receive any health care services from a publicly-funded health care facility, to which he or she is otherwise entitled until the legal status of that person has been verified as one of the following:

- (1). A citizen of the United States.**
- (2). An alien lawfully admitted as a permanent resident.**
- (3). An alien lawfully admitted for a temporary period of time.**

(c) If any publicly-funded health care facility in this state from whom a person seeks health care services, other than emergency medical care as required by federal law, determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following procedures shall be followed by the facility:

(1). The facility shall not provide the person with services.

(2). The facility shall, in writing, notify the person of his or her apparent illegal immigration status, and that the person must either obtain legal status or leave the United States.

(3). The facility shall also notify the State Director of Health Services, the Attorney General of California and the United States Immigration and Naturalization Service of the apparent illegal status, and shall provide any additional information that may be requested by any other public entity.

(d) For purposes of this section "publicly-funded health care facility" shall be defined as specified in Section 1200 and 1250 of the Health and Safety Code as of January 1, 1993.

SECTION 7. Exclusion of Illegal Aliens From Public Elementary and Secondary Schools.

Section 48215. is added to the Education Code to read:

Section 48215. (a) No public elementary or secondary school shall admit, or permit the attendance of, any child who is not a citizen of the United States, an alien lawfully admitted as a permanent resident, or a person who is otherwise authorized under federal law to be present in the United States.

(b) Commencing January 1, 1995, each school district shall verify the legal status of each child enrolling in the school district for the first time in order to ensure the enrollment or attendance only of citizens, aliens lawfully admitted as permanent residents, or persons who are otherwise authorized to be present in the United States.

(c) By January 1, 1996, each school district shall have verified the legal status of each child already enrolled and in attendance in the school district in order to ensure the enrollment or attendance only of citizens, aliens lawfully admitted as permanent residents, or persons who are otherwise authorized under federal law to be present in the United States.

(d) By January 1, 1996, each school district shall also have verified the legal status of each parent or guardian of each child referred to in subdivision (b) and (c) above, to determine whether such parent or guardian is one of the following:

- (1). A citizen of the United States**
- (2). An alien lawfully admitted as a permanent resident.**
- (3). An alien admitted lawfully for a temporary period of time.**

(e) Each school district shall provide information to the State Superintendent of Public Instruction, the Attorney General of California and the United States Immigration and Naturalization Service regarding any enrollee or pupil, or parent or guardian, attending a public elementary or secondary school in the school district determined or reasonably suspected to be in violation of federal immigration laws within forty five days after becoming aware of an apparent violation. The notice shall also be provided to the parent or legal guardian of the enrollee or pupil, and shall state that an existing pupil may not continue to attend the school after ninety calendar days from the date of the notice, unless legal status is established

(f) For each child who cannot establish legal status in the United States, each school district shall continue to provide education for a period of ninety days from the date of the notice. Such ninety day period shall be utilized to accomplish an orderly transition to a school in the child's country of origin. Each school district shall fully cooperate in this transition effort to ensure that the educational needs of the child best served for that period of time.

SECTION 8. Exclusion of Illegal Aliens From Public Postsecondary Educational Institutions.

Section 66010.8. is added to the Education Code, to read:

Section 66010.8. (a) No public institution of postsecondary education shall admit, enroll, or permit the attendance of any person who is not a citizen of the United States, an alien lawfully admitted as a permanent resident, in the United States, or a person who is otherwise authorized under federal law to be present in the United States.

(b) Commencing with the first term or semester that begins after January 1, 1995, and at the commencement of each term or semester thereafter, each public postsecondary educational institution shall verify the status of each person enrolled or in attendance at that institution in order to ensure the enrollment or attendance only of United States citizens, aliens lawfully admitted as permanent residents in the United States, and persons who are otherwise authorized under federal law to be present in the United States.

(c) No later than 45 days after the admissions officer of a public postsecondary educational institution becomes aware of the application, enrollment, or attendance of a person determined to be, or who is under reasonable suspicion of being, in the United States in violation of federal immigration laws, that officer shall provide that information to the State Superintendent of Public Instruction, the Attorney General of California and the United States Immigration and Naturalization Service. The information shall be provided to the applicant, enrollee, or person admitted.

SECTION 9 Attorney General cooperation with the INS.

Section 53069.65. is added to the Government Code, to read:

53069.65. Whenever the state or a city, or a county, or any other legally authorized local governmental entity with jurisdictional boundaries reports the presence of a person who is suspected of being present in the United States in violation of federal immigration laws to the Attorney General of California, that report shall be transmitted to the United States Immigration and Naturalization Service. The Attorney General shall be responsible for maintaining on-going and accurate records of such reports, and shall provide any additional information that may be requested by any other government entity.

SECTION 10. Amendment and Severability.

The statutory provisions contained in this measure may not be amended by the Legislature except to further its purposes by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the voters.

In the event that any portion of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the act, which can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

**POLITICAL REFORM ACT OF 1974 REQUIREMENTS FOR
STATE MEASURE PROPONENTS AND STATE MEASURE COMMITTEES**

Any person or combination of persons is considered to be a committee pursuant to Government Code Section 82013(a) if contributions totaling \$1,000 or more are received in a calendar year. These persons must file a Statement of Organization with the Secretary of State within 10 days of qualifying as a committee. (Government Code Section 84101(a))

Committees formed or existing primarily to support or oppose the qualification, passage, or defeat of a state ballot measure and proponents of a state ballot measure who control a committee formed or existing primarily to support the qualification of a measure must file semi-annual, pre-election, and quarterly statements.

Semi-annual statements have closing dates of June 30 (due July 31) and December 31 (due January 31). (Govt. Code Section 84200(a))

Pre-election statements should be filed according to the schedules in Government Code Sections 84200.5, 84200.7, and 84200.8.

Statements required for the first and third quarters of the calendar year cover the periods January 1 through March 31 (due April 30) and July 1 through September 30 (due October 31). These statements are not required during any semi-annual period in which the committee is already required to file pre-election statements pursuant to Subdivision (b) or (c) of Government Code Section 84200.5. (Govt. Code Section 84202.3)

The semi-annual and quarterly requirements continue to apply until the committee either terminates or changes its primary activity and filing duties by filing an amended Statement of Organization with the Secretary of State's Office. These continuing filing requirements are not affected by whether or not the measure qualified for the ballot nor by the amount of the committee's financial activity.

This is a brief summary of the filing requirements. More information can be obtained by reading "Information Manual D on Campaign Disclosure Provisions of the Political Reform Act," the Political Reform Act of 1974 contained in Title 9 of the Government Code, or by contacting the Political Reform Division of the Secretary of State's Office and/or the Technical Assistance and Analysis Division of the Fair Political Practices Commission.

It should be noted that persons receiving money for promoting or opposing an initiative which is to be filed with the Secretary of State or any statewide measure which has qualified for the ballot, must hold the money in trust and may only spend the money for the purpose for which it was entrusted to them as specified in Elections Code Section 29795, or face a possible fine or imprisonment.